

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

LUIS ANGEL DELGADO RAMOS
DEBTOR

CASE NO 22-03321 ESL

CHAPTER 13

**DEBTOR'S OBJECTION TO CLAIM NO. 4-1
FILED BY SECURED CREDITOR EMI EQUITY MORTGAGE, INC. as
Servicer for FORTALEZA EQUITY PARTNERS I, LLC**

TO THE HONORABLE COURT:

COMES NOW, **LUIS ANGEL DELGADO RAMOS**, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. That EMI Equity Mortgage, Inc. as Servicer for Fortaleza Equity Partners I, LLC ("EMI"), filed a proof of claim, Claim No. 4-1 as a secured creditor in the sum of \$15,607.65, in the above captioned case.

2. That EMI's Claim No. 4-1 stems from a *Note* executed on July 30, 2005, by the Debtor Luis Angel Delgado Ramos in favor of Doral Bank, in the sum of \$18,000.00, which *Note* is secured with a *Mortgage Deed* Number 1008 executed on July 30, 2005, recorded at the Property Registry of Puerto Rico, creating a 2nd mortgage lien on the Debtor's residential real property located at Virginia Valley Development Juncos, Puerto Rico.

3. That EMI's Claim No. 4-1 is hereby objected on the following grounds:

a. that Claim No. 4-1 attaches a statement itemizing interest, fees and expenses as follows:

---Principal balance: \$9,166.67

---Interest due: \$4,799.82

---Fees, costs due: \$1,641.16

Total Debt: 15,607.65;

b. that the aforementioned statement attached to Claim No. 4-1 does not state how the \$4,799.82 claimed for interest was computed, whether or not the sum of \$4,799.82 is for pre- and/or post-petition interest and/or any other factor(s) that must be itemized in order to reach said sum of \$4,799.82;

c. that the aforementioned statement attached to Claim No. 4-1 does not state how the \$1,641.16 sum claimed for “fees, costs due” was reached, whether or not this sum includes attorney’s fees, Court fees, and or any other fee/cost that must be itemized in order to reach said sum of \$1,641.16;

d. that pursuant to Rule 3001(c)(2) of the Federal Rules of Bankruptcy Procedure (FRBP) a claim that “...in addition to its principal amount, a claim includes interest, fees, expenses, or other charges incurred before the petition was filed, an itemized statement of the interest, fees, expenses, or charges shall be filed with the proof of claim...”. FRBP 3001(c)(B);

e. that on or about December 21, 2022 EMI sent a post-petition collection letter to the Debtor stating that the sum owed in this account is \$11,878.84 (attached to the present objection to claim 4-1 is copy of said collection letter and copy of its envelope which reflects the postmarked date);

f. that EMI’s failure to itemize the claimed interest and fees/costs, in addition to EMI’s pre-petition collection letter admitting to a different balance amount owed, are sufficient grounds to grant the present objection thus, EMI’s Claim No. 4-1 should be reduced to the admitted amount of \$11,878.84.

WHEREFORE, the Debtor respectfully requests this objection to Claim No. 4-1 be granted, and that EMI's proof of claim, Claim No. 4-1 **be reduced to the secured sum of \$11,878.84**, in the above captioned case.

NOTICE PURSUANT TO LOCAL RULE 3007-1 (c):

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the Court may – in its discretion – schedule a hearing. Local Rule 3007-1 (c).

I **CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of same to: the Chapter 13 Trustee, Jose R. Carrion Morales, Esq., Esq.; The Office of the United States Trustee, Monsita Lecaroz Arribas, Esq.; I also certify that a copy of this motion was sent via US Certified Mail #70171070000105980950 to Dimas Rodriguez, President EMI Equity Mortgage, Inc., PO Box 195442 San Juan PR 00919-5442; Via Certified Mail #70171070000105980967 to Francisco Fernandez/Thomas Axon Jr., Fortaleza Equity Partners I LLC, PO Box 9749 San Juan PR 00908; Via US Certified Mail #70171070000105980974 to Luis M. Suarez Lozada, Esq., Counsel for EMI Equity Mortgage Inc. as Servicer of Fortaleza Equity Partners I, LLC, 35 Juan C Borbon Street STE 67-113 Guaynabo PR 00969-5375 and to the Debtor Luis Angel Delgado Ramos, PO Box 1405 Juncos PR 00777.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 10th day of March,
2023.

/s/ Roberto Figueroa Carrasquillo

USDC #203614

RFIGUEROA CARRASQUILLO LAW OFFICE PSC

ATTORNEY FOR the DEBTOR

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AVISO DE ATRASO

EMI EQUITY MORTGAGE, INC
Departamento de Servicios Hipotecarios
P.O. Box 195442
San Juan, PR 00919-5442

Núm. de Préstamo	Fecha de Vencimiento	Total Adeudado
0000301004	October 01, 2014	\$11,878.84

No hemos recibido el pago de su préstamo que venció en la fecha indicada. Favor enviar el total adeudado de inmediato. Si ya envió el mismo, favor de hacer caso omiso de este aviso.

LUIS A DELGADO RAMOS

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